

COURT AUTHORIZED NOTICE TO POTENTIAL COLLECTIVE ACTION MEMBERS

TO: All current and former dancers who worked for Defendants at the Temptations Beaumont location or the Temptations Fort Worth location and were classified as independent contractors at any time during the three-year period from _____ to the present.

RE: The right of current and former dancers employed by Temptations Beaumont and/or Temptations Fort Worth to join a lawsuit seeking unpaid wages.

Civil Action Number: 4:19-cv-00266; *Gabrielle Rogers, et al. v. 12291 CBW, LLC, et al.*, pending before the United States District Court for the Southern District of Texas.

This Notice is to inform you of a collective action lawsuit alleging violations of the Fair Labor Standards Act ("FLSA"). The United States District Court for the Southern District of Texas has authorized the mailing of this notice to you to afford you the opportunity to join this lawsuit.

1. Why Are You Getting this Notice?

You are getting this notice because you worked as a dancer at Temptations Beaumont or Temptations Fort Worth and were classified as an independent contractor at some time since _____. During the time you worked at Temptations Beaumont or Temptations Fort Worth, you were compensated through tips from customers. Temptations did not pay you directly. As a result, a lawsuit was filed against Temptations Beaumont, Temptations Fort Worth, and RCI Hospitality by dancers alleging that you and other Temptations Beaumont and Temptations Fort Worth dancers are owed additional wages under federal law.

2. What is this lawsuit about?

The dancers who brought this lawsuit claim that Temptations Beaumont, Temptations Fort Worth and RCI Hospitality misclassified them and all other dancers as independent contractors, instead of employees, in order to avoid paying them wages due under the Fair Labor Standards Act. They claim Temptations Beaumont, Temptations Fort Worth and/or RCI Hospitality owes them compensation for every hour they worked over the last three years. In addition, they claim that the house fees, tips, and other costs paid by the dancers to the club and other club employees must be returned by the club. They also claim that the dancers should receive double the amount they are owed as liquidated damages. Finally, the dancers claim that Temptations Beaumont, Temptations Fort Worth and/or RCI Hospitality should have to pay the dancers' attorney's fees. Temptations Beaumont, Temptations Fort Worth and RCI Hospitality deny that they have violated the law and that they owe any of the back pay, damages, costs or attorney's fees that are sought. The Court has not made any determination on the merits and the authorization to distribute this notice does not mean that the Plaintiffs have prevailed or will prevail on this matter.

3. Your right to join this case

If you fit the definition above, you may join this case (that is, you may "opt-in") by completing the attached "Consent to Join Collective Action" form and returning it to Plaintiff's Counsel by mailing it to the following address:

EXHIBIT "1"

INSERT ADDRESS OF PLAINTIFF'S COUNSEL OR CLASS ADMINISTRATOR

You may also return your form by faxing it to 713-523-1116 or completing the form online at _____. The form must be received by Plaintiff's Counsel by _____ (insert date 60 days after mailing). If you fail to timely return the Consent to Join Collective Action, you may not be able to participate in this lawsuit.

4. What are your options?

If you choose to join this case, you will become a party to the case. You may be eligible to participate in a settlement for alleged unpaid wages, if any such settlement is reached. Also, you will be bound by any judgment ultimately entered in this case, whether it is favorable or unfavorable. If you choose to join this case, you may be required to answer written questions or have your testimony taken in a deposition or at trial.

If you do not wish to be a part of the lawsuit, you do not need to do anything. If you do not join this case, you will not be able to participate in any settlement regarding the claim for unpaid overtime wages in this case, if any such settlement is reached. If you do not join the lawsuit, you will not be part of the case and will not be bound by or affected by the result, whether favorable or unfavorable. Your decision not to join this case will not affect your right to bring a similar case on your own at a future time. However, claims under the FLSA must be brought within two (2) years of the date the claim accrues, unless the employer's violation of the law was "willful," in which case the claim must be brought within three (3) years. If you do not join this case, you have the right to hire your own attorney and bring a separate case, if you so choose. However, if you join this case, you will be represented by the Plaintiffs' Counsel in this case.

The attorneys for the Plaintiff are being paid on a contingency fee basis, which means that if there is no recovery there will be no attorney's fee. If there is a recovery, the attorney for the class will receive a part of any settlement obtained or money judgment entered in favor of all members of the class.

5. No retaliation permitted.

The law prohibits retaliation against employees for exercising their rights under the FLSA. Therefore, Temptations Beaumont, Temptations Fort Worth, and RCI Hospitality are prohibited from taking any adverse action against you for joining this case such as terminating your employment, reducing your hours, pay or benefits.

6. How Can You Get More Information?

You can get more information by calling the Plaintiff's attorneys. These attorneys can be reached at 713-523-0001.

THIS IS A COURT APPROVED NOTICE
*****THIS IS NOT AN ADVERTISEMENT FROM A LAWYER*****

**CONSENT TO JOIN COLLECTIVE ACTION AND BE
REPRESENTED BY HODGES & FOTY, LLP**

- i I, _____ (print name), consent to join the lawsuit seeking damages for unpaid wages under the FLSA.
- i I worked as a dancer for Temptations Beaumont and/or Temptations Fort Worth and was paid an hourly per diem.
- i I authorize the named Plaintiff to file and prosecute the above referenced matter in my name, and on my behalf, and designate the named Plaintiff and Plaintiff's Counsel to make decisions on my behalf concerning the litigation, including negotiating a resolution of my claims, and I understand I will be bound by such decisions.
- i I agree to be represented by Hodges & Foty, LLP, counsel for the named Plaintiff.
- i If my consent form is stricken for any reason, I authorize Plaintiff's Counsel to use this consent form to file my claim in a separate or related action.

Date: _____ Signature: _____

Information below this line will not be filed with the Court:

Start and end dates of employment: _____ to _____

Home Address: _____

City: _____

State: _____

Phone: _____

Alternative
Phone: _____

Email: _____

Work Location: _____